

**ROBERT H. CLELAND
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THE STRUCK JURY SYSTEM

This method of selecting a jury requires securing a number of potential jurors equal to the number of jurors to be selected, plus the total number of allowable peremptory challenges. In a criminal case with one defendant, a total of thirty-two potential jurors must be selected to seat of jury of twelve plus two alternates. When *voir dire* is complete and the jurors have been passed for cause, the jurors will be excused for a recess. Counsel will remain in court and be given the clerk's jury sheet. The attorneys will begin to alternatively strike one or more jurors at a time until all peremptory strikes have been used (or there have been two successive "passes") at which time the jury will consist of the first twelve non-struck jurors. The court encourages the defense counsel to begin with the exercise of two challenges to the government's one, and to repeat that process four times, at which point each side will have two peremptories remaining (not including one each to select alternate jurors), and each side can then exercise one challenge each for two additional rounds of challenge. The strike process is not supervised by the court unless necessary, and will consume no more than about twenty minutes. Any objection to the manner in which this system was executed and any objection to the legitimacy of a particular strike must be brought to the court's attention immediately.

In a civil trial with no alternates and two parties, each with three peremptory challenges, a total of sixteen jurors would be selected to seat of jury of ten. When *voir dire* is complete and the jurors have been passed for cause, the jurors will be excused

for a recess. Counsel will remain in court and be given the clerk's jury sheet. The attorneys will begin to alternatively strike one juror at a time until the six peremptory strikes have been used (or until there have been two successive "passes") at which time the jury will consist of the first ten non-struck jurors. The strike process should consume no more than about fifteen minutes.